WPSB No. 87 of 2002

Hon'ble P.C. Verma, J.

Heard learned counsel for the petitioner as well as learned counsel for the respondent no.1.

In this writ petition the dispute relates to the age of respondent no.1. In order to verify the correct age of respondent no.1, this Court vide order dated 21.5.2002 directed the Chief Medical Officer, Udham Singh Nagar to give a certificate after examining the petitioner medically regarding his age.

The C.M.O., Udham Singh Nagar has submitted his report which is on record. According to his report, the age of the respondent no.1 is below 60 years. Therefore, the impugned order of the Deputy Labour Commissioner does not suffer from any legal infirmity.

Considering the facts and circumstances, the order is modified to the extent that only 60% (sixty per cent) of the back wages shall be paid to the respondent no.1. However, calling a report from the Chief Medical Officer shall not be treated to be precedent in other cases.

The petition is disposed of accordingly.

(P.C. Verma, J.)

10.7.2002
P. Singh